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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/531,494	04/15/2005	Gareth G. Hougham	YOR920020293US1 9075 (16348) EXAMINER		
23389 SCULLY SCC	7590 07/16/200 OTT MURPHY & PRES	• •			
400 GARDEN	GARDEN CITY PLAZA HARVEY, JAMI			JAMES R	
SUITE 300 GARDEN CIT	Y, NY 11530		ART UNIT	PAPER NUMBER	
		•	2833		
•			MAIL DATE	DELIVERY MODE	
			07/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    Examiner		Application No.	Applicant(s)
Examiner James R. Harvey  2833  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address—riod for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1 136(3). In or ever, the work with the correspondence address—remains about the property of the provision of 37 CFR 1 136(3). In or ever, the work with the satisfied under the provisions of 37 CFR 1 136(3). In or ever, the work with the satisfied under the provision of 37 CFR 1 136(3). In or ever, the work with the satisfied under the provision of 37 CFR 1 136(3). In or ever, the work with the satisfied under the provision of 18 ppty and will apply and wil			
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after StX (a) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statisticy period will apply and will expire SIX (6) MONTHS from the mailing date of this communication, even if timely filled, may reduce any search application is period participation.  1   Responsive to communication(s) filled on	The MAILING DATE of the		• • • • • • • • • • • • • • • • • • •
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application from the International Bureau (PCT Rule 17.2(a)).			
			received in this National Stage
* See the attached detailed Office action for a list of the certified copies not received.			raceived

Attachment(s)

I)	Ш	Notice	OT 1	References	Cited	(PI	O-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-41
Paper No(s)/Mail Date

5) Notice of Informal Patent Application

6) Other: \_\_\_\_.

Application/Control Number: 10/531,494

Art Unit: 2833

## **DETAILED ACTION**

## Election/Restrictions

Claim 1 is generic to the following disclosed patentably distinct species:

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Species 1 (prior art figures 1A and 1B),
Species 2 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 9A, 9b and 10),
Species 3 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 4A-4D, 11a, 12a and 12b),
Species 4 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 5A and 5B),
Species 5 (figure 13),
Species 6 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 14a, 14b and 11g),
Species 7 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 15a, 15b and 11b),
Species 8 (16 AND 11E),
Species 9 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 17 and 11h),
Species 10 (figures 2a-2E, 3A, 3B, 6A, 6B, 7, 8A, 8B, 18z, 18b and 11g),
Species 11 (figure 11c),
Species 12 (figure 11d),
Species 13 (figure 11f).
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The species are independent or distinct because as disclosed the different species have mutually exclusive characteristics for each identified species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete <u>must</u> include (i) an election of a species to be examined even though the requirement <u>may</u> be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

• Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

jrh

/James Harvey/ James Harvey Primary Examiner